

EXECUTIVE SUMMARY

The executive summary includes excerpts and highlights from the 1998 Year End Report. A brief synopsis from each chapter in a chronological order is provided. A list of all the recommendations made in this report is also included.

CHAPTER ONE

Background on the formation of the IPA is discussed in this chapter. Also included is a description of the IPA's functions and some of the components unique to the IPA model of civilian oversight. The important components that make the IPA an effective model for police oversight are features such as independence from outside influences, the ability to impact the police department's policies and procedures and an ongoing follow through of the IPA's recommendations.

CHAPTER TWO

Expanding the IPA's visibility and community outreach was the primary goal for 1998. In this chapter a list of neighborhood

presentations and feedback from people attending these community presentations is included. A list of presentations to community and professional organizations is also provided.

CHAPTER THREE

A new issue is presented in this chapter, "Officer Involved Shootings" and how they impact the entire community and the IPA. Currently, the IPA does not review the investigations conducted by the Professional Standards and Conduct Unit (PSCU) of the San José Police Department unless a complaint is filed. This poses several problems because unlike other police actions, when someone is shot or killed the community as a whole is affected.

One of the primary duties of the IPA is the review of all citizen complaint investigations alleging unnecessary use of force. Officer involved shootings are the most serious type of force used by San José Police Officers. Whenever a police

shooting occurs, the public raise questions about the appropriateness and necessity to use deadly force. During this time, the IPA receives many inquiries from the media and others looking for some answers or reasons why this happened. There appears to be an inherent expectation from the community that these serious cases will receive an independent review by the IPA. However, this is not the case because not all officer involved shootings result in the filing of a citizen complaint. Without a citizen complaint, the IPA does not have the authority to audit officer involved shooting investigations. Several reasons why complaints are not immediately filed are explained in this chapter.

A review of the last six years show that San José Police Officers have been involved in thirty three incidents where an individual was wounded or killed. Of these 33 shootings, thirteen have resulted in the death of the suspect and in 20 others the suspects were wounded.

A study of various cities which have civilian oversight of their police department was conducted and revealed that major cities like San Francisco, Los Angeles and San Diego do not rely on the filing of a citizen complaint to examine and/or conduct a separate investigation following an officer involved shooting. A balance between the need for officer safety and the safety of citizens coming in contact with the police require an ongoing review of police policies and practices from a non law enforcement perspective. The IPA recommends the creation of a process by which the most serious cases, which affect the community at large, receive civilian oversight that is not dependent on a citizen filing a complaint.

CHAPTER FOUR

This chapter is an update on prior issues and recommendations made by the IPA.

- ❖ The first update is a description of the new process implemented

by the San José Police Department when forcibly extracting blood samples from people arrested. The IPA visited the facility and observed the extraction of a blood sample and found the location and methods satisfactory.

- ❖ The second update involves the recommendation that police officers identify themselves in writing to the public. The Chief of Police implemented a new requirement that officers use an Incident Card in which officers will write their badge numbers and hand them to the citizen requesting it.
- ❖ The third update focused on a prior recommendation which required that supervisors conduct an on the scene investigation into the need to use force whenever an individual received injuries so serious that it required emergency medical care. A study was conducted to examine the supervisors follow through with

this requirement which is mandated in the police duty manual revealed that only 58% of the supervisors responded to the scene and less than 40% documented their efforts in a report. A new recommendation by the IPA to increase compliance with this directive is that a written investigative report be mandatory instead of optional for all supervisors.

- ❖ The last update covered the recommendation to reduce the length of time to complete the investigations of citizen complaints from one year to ten months. This reduction is necessary in order to comply with a new state law which requires the completion of complaints within one year. At least two months are needed to complete any added requests for further investigation from the IPA.

CHAPTERS FIVE THROUGH TEN

These chapters contain a breakdown of the statistics for 1998. Overall the number of complaints filed in 1998 decreased from 446 in 1997, to 364 in 1998. However, there were 377 inquiries from the public that did not become complaints because they were immediately addressed. The emphasis here, is to expedite a resolution, to the satisfaction of the complainant, to minor incidents that previously would have turned into complaints.

CHAPTER ELEVEN

The results of the audits of all four classifications of complaints are explained in this section. Areas such as the number of requests for further investigation, and number of cases the IPA disagreed with the PSCU finding, are covered in this section.

CHAPTER TWELVE

Samples of the auditing process are illustrated in this chapter through cases which are selected

not because they are most representative of the actions taken by the IPA but because they illustrate the different options and courses of action the IPA takes.

CHAPTER THIRTEEN

This chapter contains the conclusion which also talks about some of the general goals for 1999.

LIST OF IPA RECOMMENDATIONS

1. The IPA should review the administrative investigations of all officer involved shootings where a person was wounded or killed whether or not a complaint is filed.
2. The SJPD should complete the database that will link the IPA to the PSCU as soon as possible. This project started in 1995 and has been plagued with problems. The hardware is in place at both the IPA and the PSCU however, glitches with the system continue to surface.
3. Written reports detailing the investigative efforts by the supervisors responding to a Class 1 Use of Force should be mandatory.
4. Class 1 Use of Force complaints are required to be completed within 180 days. Only 55% met the goal. An improvement in this area is needed.

